

Senate Study Bill 1139

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the assessment of city and county fines.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1947XC 83
4 jm/rj/8

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1 1 Section 1. Section 331.302, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. ~~A For a violation of an ordinance a county shall not~~
1 4 provide a penalty in excess of ~~a five hundred dollar the~~
1 5 ~~maximum fine or in excess of thirty days and term of~~
1 6 imprisonment for the violation of an ordinance a simple
1 7 misdemeanor under section 903.1, subsection 1, paragraph "a".
1 8 The criminal penalty surcharge required by section 911.1 shall
1 9 be added to a county fine and is not a part of the county's
1 10 penalty.
1 11 Sec. 2. Section 331.302, subsection 4A, paragraph a,
1 12 subparagraph (2), Code 2009, is amended to read as follows:
1 13 (2) A portion of the Code of Iowa may be adopted by
1 14 reference only if the criminal penalty provided by the law
1 15 adopted does not exceed ~~thirty days the maximum fine and term~~
1 16 ~~of imprisonment and a five hundred dollar fine for a simple~~
1 17 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~
1 18 Sec. 3. Section 364.3, subsection 2, Code 2009, is amended
1 19 to read as follows:
1 20 2. ~~A For a violation of an ordinance a city shall not~~
1 21 provide a penalty in excess of ~~a five hundred dollar the~~
1 22 ~~maximum fine or in excess of thirty days and term of~~
1 23 imprisonment for the violation of an ordinance a simple
1 24 misdemeanor under section 903.1, subsection 1, paragraph "a".
1 25 An amount equal to ten percent of all fines collected by
1 26 cities shall be deposited in the account established in
1 27 section 602.8108. However, one hundred percent of all fines
1 28 collected by a city pursuant to section 321.236, subsection 1,
1 29 shall be retained by the city. The criminal penalty surcharge
1 30 required by section 911.1 shall be added to a city fine and is
1 31 not a part of the city's penalty.
1 32 Sec. 4. Section 380.10, subsection 2, Code 2009, is
1 33 amended to read as follows:
1 34 2. A portion of the Code of Iowa may be adopted by
1 35 reference only if the criminal penalty provided by the law
2 1 adopted does not exceed ~~thirty days the maximum fine and term~~
2 2 ~~of imprisonment and a five hundred dollar fine for a simple~~
2 3 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~
2 4 EXPLANATION
2 5 This bill relates to the assessment of city and county
2 6 fines.
2 7 The bill equalizes the maximum fine and term of
2 8 imprisonment for a city or county ordinance violation with the
2 9 maximum fine and imprisonment for a simple misdemeanor in Code
2 10 section 903.1.
2 11 Current law provides that the maximum fine for a city or
2 12 county violation shall not exceed \$500 and the maximum term of
2 13 imprisonment shall not exceed 30 days in jail.
2 14 A simple misdemeanor is punishable by confinement for no
2 15 more than 30 days or a fine of at least \$65 but not more than
2 16 \$625, or by both.
2 17 LSB 1947XC 83
2 18 jm/rj/8